

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 17-1118

Oracle America, Inc.

v.

Google Inc.

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Google Inc.

Party is (select one)

☐ Appellant/Petitioner☐ Cross-Appellant☒ Appellee/Respondent☐ Intervenor

Tribunal appealed from and Case No.

U.S. Dist. Court for the N.D. California; 3:10-cv-03561-WHADate of Judgment/Order June 8, 2016

Type of Case

Patent/copyright

Relief sought on appeal

Affirmance in part and reversal in part

Relief awarded below (if damages, specify)

The district court did not award Oracle any relief.

Briefly describe the judgment/order appealed from

The district court entered judgment in favor of Google on Oracle's claim of copyright infringement, based on the jury's verdict that Google proved by a preponderance of the evidence that its use in Android of the declaring lines of code and their structure, sequence, and organization from Java 2 Standard Edition Version 1.4 and Java 2 Standard Edition Version 5.0 constitutes a "fair use" under the Copyright Act.

Nature of judgment (select one)

☒ Final Judgment, 28 USC 1295☐ Rule 54(b)☐ Interlocutory Order (specify type)☐ Other (explain; see Fed. Cir. R. 28(a)(5))

FORM 26. Docketing Statement**Form 26****Rev. 10/16**

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued.

If none, please state none.

No related cases are pending before this Court.

Brief statement of the issues to be raised on appeal

1) Whether sufficient evidence supported the jury's finding that Google's use in Android of the declaring lines of code and their structure, sequence, and organization constitutes a "fair use" under the Copyright Act.

2) Whether the declaring lines of code and their structure, sequence, and organization are copyrightable.

Have there been discussions with other parties relating to settlement of this case? ☒ Yes ☐ No If "yes," when were the last such discussions?

☐ Before the case was filed below?

☒ During the pendency of the case below?

☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom? Magistrate Judge Grewal, U.S. District Court for the Northern District of California

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Please explain why you believe the case is or is not amenable to mediation.

The parties have participated in numerous past unsuccessful settlement conferences. Google does not believe that additional efforts at mediation would be successful.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

I certify that I filed this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this

9th day of November, 2016

by: CM/ECF

(manner of service)

Daryl L. Joseffer /s/ Daryl L. Joseffer

Name of Counsel

Signature of Counsel

Law Firm King & Spalding LLP

Address 1700 Pennsylvania Avenue, NW

City, State, ZIP Washington, DC 20006

Telephone Number (202) 626-2388

FAX Number (202) 626-3737

E-mail Address djoaffer@kslaw.com

Reset Fields